

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

ELBERT D. BRESHEARS,

Plaintiff,

v.

CITY OF HUMANSVILLE, DEREK
CARTER, DANIEL BIGGERS, WESLEY
FLACK, and TEDDY BURT,

Defendants.

Case No.: 6:16-CV-03086-JTM

**STIPULATION OF DISMISSAL OF PLAINTIFF'S COMPLAINT
AGAINST DEFENDANTS DEREK CARTER, DANIEL BIGGERS,
WESLEY FLACK AND TEDDY BURT ONLY WITH PREJUDICE**

Plaintiff Elbert D. Breshears, by and through counsel ("Plaintiff"), and Defendants Derek Carter, Daniel Biggers, Wesley Flack, and Teddy Burt, by and through counsel, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), hereby stipulate and agree that the claims of Plaintiff in the Complaint against Defendants Derek Carter, Daniel Biggers, Wesley Flack, and Teddy Burt, in each of their individual capacities and official capacities as police officers and chief of police for the City of Humansville, Missouri, only are dismissed with prejudice with Plaintiff to be responsible for and pay the cost and attorney fees incurred by Plaintiff in this case and Defendants Derek Carter, Daniel Biggers, Wesley Flack, and Teddy Burt to be responsible for and pay the cost and attorney fees incurred by each of them in this case.

This dismissal of the claims of Plaintiff in the Complaint against Defendants Derek Carter, Daniel Biggers, Wesley Flack, and Teddy Burt only with prejudice does not affect the claims of Plaintiff against Defendant City of Humansville in the above-captioned case with the

claims of Plaintiff in the Complaint against Defendant City of Humansville being fully reserved and preserved and remain pending.

Respectfully submitted,

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